

1 Counsel listed on next page  
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6 UNITED STATES DISTRICT COURT  
7 NORTHERN DISTRICT OF CALIFORNIA  
8 SAN JOSE DIVISION

9  
10 DAVID HALTERMAN,

11 Plaintiff,

12 v.

13 LEGATO SOFTWARE, a Division of EMC  
14 Corporation; EMC CORPORATION, dba  
15 EMC PERIPHERALS, INC., and DOES 1-X,

16 Defendants.

17 Case No. C04-2660 JW

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**STIPULATION AND [PROPOSED]  
ORDER TO FILE UNDER SEAL  
EXHIBIT G TO THE  
DECLARATION OF MICHAEL  
WEIL IN SUPPORT OF  
DEFENDANT EMC'S MOTION TO  
EXCLUDE TESTIMONY OF  
PLAINTIFF'S EXPERTS PURSUANT  
TO CIV. L.R. 7-11, 7-12, & 79-5**

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6 **Attorneys for Defendant**  
7 **EMC Corporation**

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1 PURSUANT TO CIVIL LOCAL RULES 7-11, 7-12, and 79-5, Plaintiff David  
2 Halterman and Defendant EMC Corporation (collectively, “the parties”) stipulate as follows:

3 WHEREAS, in this matter, the Court entered a Stipulated Protective Order (“the  
4 Order”) on December 3, 2004;

5 WHEREAS, the Order requires in paragraph 9 that:

6 In the event that any Confidential Information . . . is filed, included in, or referred to in  
7 any paper filed with the Court, counsel responsible for such filing shall submit the  
8 papers to the court along with a request to file under seal pursuant to Civil Local Rule  
9 79-5;

10 WHEREAS, in paragraph 1 of the order, the Court defined “Confidential  
11 Information” as “information that qualifies for protection under F.R.C.P. 26(c)”;

12 WHEREAS, Exhibit G to Declaration of Michael D. Weil in Support of Defendant  
13 EMC Corporation’s Motion to Exclude Testimony of Plaintiff’s Experts Barbara C. Luna, Dean  
14 Atkinson, and Bruce L. Smith contains sensitive and private financial and commercial  
15 information that is valuable information to EMC’s competitors and that EMC has revealed only  
16 for the purposes of this dispute and otherwise closely guards;

17 WHEREAS, the parties agree that these documents in Exhibit G fall within this  
18 Court’s definition of “Confidential Information” contained in the Order and that EMC should be  
19 protected from having this proprietary business information contained in the public record;

20 WHEREAS, with the exception of the requested excerpts, the parties intend that  
21 “[a]ll other portions” of the Reply to Motion to Compel “be included in the public file” of this  
22 Court, pursuant to Civil L.R. 79-5(b);

23 WHEREAS, the parties have limited the scope of this request to meet the  
24 requirement of Civil L.R. 79-5(b) that it be “narrowly tailored to seal only that material for which  
25 good cause to seal has been established” and that it “shall direct the sealing of only those  
26 documents, pages, or, if practicable, those portions of documents or pages, which contain the  
information requiring confidentiality”; and

27 WHEREAS, the concurrence in the filing of the document has been obtained from  
28 Kathryn Burkett Dickson, Attorney for Plaintiff, David Halterman;

1       2. IT IS HEREBY STIPULATED by and between the parties to this action through their  
2 designated counsel that Exhibit G Attached to the Declaration of Michael D. Weil in Support of  
3 Defendant EMC Corporation's Motion to Exclude Testimony of Plaintiff's Experts Barbara C.  
4 Luna, Dean Atkinson, and Bruce L. Smith be filed under seal in whole.

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7 Dated: November 15, 2005

Respectfully submitted,

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KATHRYN BURKETT DICKSON  
DICKSON – ROSS LLP

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DAVID ANGLE  
ANGLE & ANGLE LLC

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By \_\_\_\_\_  
Kathryn Burkett Dickson  
Attorneys for Plaintiff,  
David Halterman

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Dated: November 15, 2005

GARY R. SINISCALCO  
LYNNE C. HERMLE  
MICHAEL D. WEIL  
ORRICK, HERRINGTON & SUTCLIFFE LLP

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PURSUANT TO STIPULATION, IT IS SO ORDERED.

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Dated:

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Hon. James Ware  
United States District Judge

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION

DAVID HALTERMAN,

Plaintiff,

v.

LEGATO SOFTWARE, a Division of EMC Corporation; EMC CORPORATION, dba EMC PERIPHERALS, INC., and DOES 1-X,

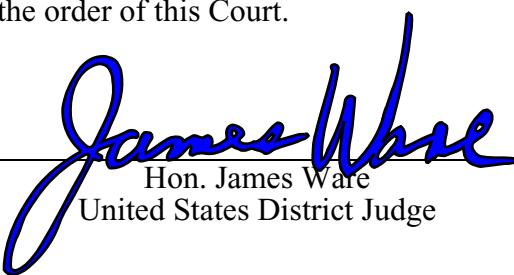
Defendants.

Case No. C 04-02660 JW

**STIPULATED ORDER TO FILE  
UNDER SEAL EXHIBIT G TO THE  
DECLARATION OF MICHAEL  
WEIL IN SUPPORT OF  
DEFENDANT EMC'S MOTION TO  
EXCLUDE TESTIMONY OF  
PLAINTIFF'S EXPERTS PURSUANT  
TO CIV. L.R. 7-11, 7-12, & 79-5**

Pursuant to the stipulation of the parties, it is hereby ordered that the Stipulated Order to File Under Seal Exhibit G Attached to the Declaration of Michael D. Weil in Support of Defendant EMC Corporation's Motion to Exclude Testimony of Plaintiff's Experts Barbara C. Luna, Dean Atkinson, and Bruce L. Smith become the order of this Court.

Dated: 11/16/05

  
Hon. James Ware  
United States District Judge